

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

TRUMAN M. DODSON, JR.,  
TRUMAN M. DODSON V,  
FIRST NATIONAL CITY BANK OF NEW YORK,  
TRUSTEES UNDER THE WILL OF  
TRUMAN M. DODSON, DECEASED

Claim No. CU -8781

Decision No. CU-6271

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for claimants:

Forsythe, McGovern, Pearson & Nash  
By Carl S. Forsythe III, Esq.

AMENDED PROPOSED DECISION

By Proposed Decision of July 14, 1971, the Commission denied the claim of C. M. DODSON, JOHN E. DODSON and TRUMAN M. DODSON, JR., TRUSTEES UNDER THE WILL OF TRUMAN M. DODSON, DECEASED, for the reason that claimants have failed to present for examination the stock certificates of Compania Minera Lehigh S.A., upon which the claim was based.

Subsequently, counsel for the Trustees submitted to the Commission certificates for 247 shares of stock of Compania Minera Lehigh S.A., issued to C. M. DODSON, JOHN E. DODSON and TRUMAN M. DODSON, JR., TRUSTEES OF TRUMAN M. DODSON, and a copy of a certified adjudication of the Orphan's Court of Lehigh County in the Estate of TRUMAN M. DODSON, DECEASED, File No. 31772, dated February 19, 1963, which shows that under that date the court approved the appointment of TRUMAN M. DODSON V and FIRST NATIONAL CITY BANK OF NEW YORK as substituted trustees in place of CHARLES M. DODSON and JOHN E. DODSON, who had resigned. Accordingly, the Commission has substituted TRUMAN M. DODSON V and FIRST NATIONAL CITY BANK OF NEW YORK as trustees in lieu of C. M. DODSON and JOHN E. DODSON.

In our decision entitled Claim of Nolan P. Benner et al., Trustees of a Trust established under the Will of Harry C. Trexler, Deceased (Claim No. CU-8773) which we incorporate by reference, we held that the properties

owned by the Compania Minera Lehigh S.A. were taken by the Government of Cuba on November 23, 1959, and that this type of claim is compensable to American nationals under the facts and conditions set forth therein. We need not again detail here the reasons and method used in determining the value of a share of \$110.76.

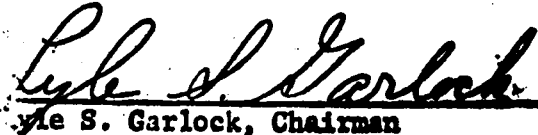
On the basis of the newly submitted evidence in the instant case the Commission now finds that claimants come within the terms of the Benner decision; that the Trust qualifies as a United States national at the requisite times; that it has been the owner of 247 shares of stock in Compania Minera Lehigh S.A. since prior to November 23, 1959; and that it suffered a loss in the amount of \$27,357.72 within the meaning of Title V of the Act. Further the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from November 23, 1959, the date of loss, to the date on which provisions are made for the settlement thereof.

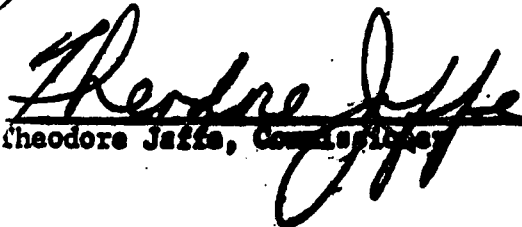
CERTIFICATION OF LOSS

The Commission certifies that TRUMAN M. DODSON, JR., TRUMAN M. DODSON V, and FIRST NATIONAL CITY BANK OF NEW YORK, TRUSTEES UNDER THE WILL OF TRUMAN M. DODSON, DECEASED, suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Twenty-seven Thousand Three Hundred Fifty-seven Dollars and Seventy-two Cents (\$27,357.72) with interest at 6% per annum from November 23, 1959 to the date of settlement.

Dated at Washington, D. C., and  
entered as the Amended Proposed  
Decision of the Commission

SEP 1 1971

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities or the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Amended Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended (1970).)

CU- 8781

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

C. M. DODSON, JOHN E. DODSON and  
TRUMAN M. DODSON, Jr., TRUSTEES  
UNDER THE WILL OF TRUMAN M. DODSON,  
DECEASED

Claim No. CU-8781

Decision No. CU 6271

Under the International Claims Settlement  
Act of 1949, as amended

Represented by Cia. Minera Lehigh, S.A.

Counsel for Cia. Minera Lehigh, S.A.:

Clifford, Warnke, Glass, McIlwain & Finney  
By James T. Stovall, III, Esq.

PROPOSED DECISION

This claim was submitted by C. M. DODSON, JOHN E. DODSON and TRUMAN M. DODSON, Jr., TRUSTEES UNDER THE WILL OF TRUMAN M. DODSON, DECEASED, under Title V of the International Claims Settlement Act of 1949, as amended, for a loss based on the ownership of shares of stock of Compania Minera Lehigh, S.A., a corporation organized under the laws of Cuba.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (1970).)


Claimants stated that they hold 247 shares of stock of Compania Minera Lehigh, S.A., but when requested by the Commission to present the stock certificates for examination, the management of the company representing the claimants stated that repeated efforts to obtain this stock have failed.

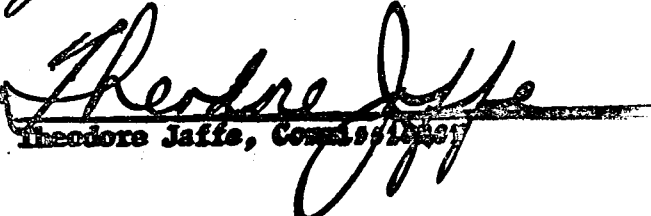
The Commission finds that claimants have not met the burden of proof in that they have failed to establish ownership in the cestui que trust of the shares of stock as of November 23, 1959, the date of loss, to November 1, 1965, when claim filed on behalf of stockholders was validated.

Accordingly, the claim must be and it is hereby denied.

Dated at Washington, D. C.  
and entered as the Proposed  
Decision of the Commission

**JUL 14 1971**

  
Lytle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. §531.5(e) and (g), as amended, (1970).)

CU-8781